

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF LITTLE PAGE LANE WIRELESS TELECOMMUNICATIONS FACILITY MAJOR USE PERMIT; P08-013; LOG NO. 08-09-004

September 17, 2009

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, no Habitat Loss Permit is required.

An NCCP is a state program that identifies and provides for the regional or area-wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. The Southern California Coastal Sage Scrub NCCP was designed because many species that are listed as sensitive, threatened, or endangered by federal and state resource agencies are associated with coastal sage scrub. This program enables jurisdictions, through agreements with the state and federal agencies, to benefit from interim take provisions established in the USFWS special rule [4(d) rule]. The interim take refers to the authorization for removal of coastal sage scrub and/or any incidental impacts to target species during the time that a jurisdiction, such as the County of San Diego, prepares a Subregional NCCP. The County already has a Subregional and Subarea NCCP (the Multiple Species Conservation Program) covering some of the unincorporated lands. The County is currently working on draft proposals for two additional Subregional Plans, one in North County and one in East County. Until such time as plans are approved for those areas, the County must follow the Coastal Sage Scrub NCCP Process Guidelines (November 1993). Section 3.a of the Conservation Guidelines states:

“During the interim period, subregional and subarea planning should strive to protect areas of higher long-term conservation value -- defined by extent of coastal sage scrub habitat, proximity of that habitat to other habitat, value as landscape linkages or corridors, or presence of target species or other species of concern -- until a subregional plan can be put in place. Development pressure should be directed toward areas that have lower long-term conservation value. Such habitat areas are smaller in extent, are more isolated, have limited value as landscape linkages, and support comparatively fewer individuals of target species. Planning should ensure that all interim habitat losses are adequately mitigated and should contribute to the interim

subregional mitigation program that will be subsumed in the long-term subregional NCCP as specified in the Process Guidelines”

Although the project will not affect coastal sage scrub, it will affect biological resources in areas mapped as “high value” and “very high value” on the habitat evaluation model. The preserve design principles do not apply to this project because no on-site open space is proposed. The project meets the following findings provided in Section 4.2.g of the Southern California Coastal Sage Scrub (NCCP) Process Guidelines:

- (1) The proposed habitat loss is consistent with the interim loss criteria in the Conservation Guidelines and with any subregional process if established by the subregion.
 - a. No loss of coastal sage scrub is proposed.
- (2) The habitat loss will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild.
 - a. No listed species were observed or expected to occur on-site.
- (3) The habitat loss is incidental to otherwise lawful activities.
 - a. The installation of a cellular facility in compliance with a Major Use Permit is a lawful activity.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES ☐ NO ☐ NOT APPLICABLE/EXEMPT ☒

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES ☐ NO ☐ NOT APPLICABLE/EXEMPT ☒

The project is for an unmanned wireless telecommunications facility and will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Section 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Section 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The <u>Steep Slope</u> section (Section 86.604(e)(2)(iii))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:

The project is not adjacent to a floodway/floodplain fringe area as defined in the RPO, nor are there any proposals for any uses or improvements that are in conflict with the RPO. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Section 86.604(e)(2)(iii) of the Resource Protection Ordinance.

Sensitive Habitats:

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site as determined based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, site photos, and a Biological

Resources Report submitted July 6, 2009 prepared by Karl Osmundson. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

Based on an analysis of County of San Diego archaeology resource files, archaeological records, maps, and aerial photographs by County of San Diego staff archaeologist, Diane Shalom, it has been determined that the project site does not contain any archaeological resources. Therefore, it has been found that the proposed project complies with Sections 86.604(g) of the Resource Protection Ordinance.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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The Department of Planning and Land Use (DPLU) and Department of Public Works (DPW) staff have reviewed the Stormwater Management Plan (SWMP) For Minor Projects submitted to the County of San Diego on April 29, 2009, and prepared by Tim Kolset for the proposed unmanned wireless telecommunications facility in the Ramona Community Planning Area within the County of San Diego. This document complies with the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO, Section 67.817).

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Project consists of the six Cingular equipment cabinets located within a 7-foot high CMU enclosure. Project location is zoned A72 and is subject to property line sound level limits of 45 dBA Leq pursuant to County Noise Ordinance, Section 36.404. Typical equipment cabinet noise emissions produce an average of 65 dBA Leq at 5-feet. A total of six equipment cabinets have potential to generate 72.7 dBA Leq at 5-feet. Distance attenuation in relation to the nearest property line will reduce noise levels by -20 dB. The proposed 7-foot high CMU wall will provide a minimum of a -7 dB reduction. Incorporation of the 7-foot high CMU wall enclosure and attenuation by distance will result in noise levels to the nearest property line to comply with County Noise Standard of 45 dBA at the property line. Therefore, the proposed Cingular Facility will comply with County Noise Ordinance pursuant to Section 36.404.